

REMARKS

In the above-identified Office Action the method Claims 35-37 were newly rejected under 35 U.S.C. 101, and all of the claims were rejected as being obvious in view of the disclosure of the newly cited Okazaki patent. In response, the claims have all been amended to stress patentable distinctions over the prior art, and Claims 35-37, as now presented, satisfy the requirements of 35 U.S.C. 101.

In particular, the present invention, as set forth in all of the claims, requires that an input image and a reference image are stored in two storage units, and requires that the second storage unit, is arranged to store the inputted image signal that is compared with the reference image signal by a detector, as a new reference image signal on a frame basis when said detector detects the image change, and not to store the inputted image signal when said detector detects that there is not an image change.

Referring now to the cited Okazaki patent, it is seen that Okazaki discloses that a scene change is detected, a feature amount of each scene is calculated, and the calculated feature amount is stored together with a moving image in a storage unit. However, Okazaki does not disclose the above-characterized features of Applicants amended claims.

Also with regard to the requirements of 35 U.S.C. 101, the method steps of Claims 35-37 are tied to another statutory category, in that such method steps are required to be performed by an image processing apparatus. Accordingly, such steps cannot be

mere mental steps. Furthermore, along these same lines, those claims require the use of additional hardware, in that two storage units are required.

For these various reasons it is believed that the application is now in condition for allowance, wherefore the issuance of a Notice of Allowance is solicited.

The Commissioner is hereby authorized to charge fees or credit overpayment to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/John A. Krause/

John A. Krause
Attorney for Applicants
Registration No. 24,613

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCBS_WS 3364867v1